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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,629	02/10/2004	Naoaki Yamanaka	040803-0307870	9790
909 7590 11/03/2010 PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102				
EXAMINER JOO, JOSHUA				
ART UNIT 2445		PAPER NUMBER		
NOTIFICATION DATE 11/03/2010		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* NAOAKI YAMANAKA, and EIJI OKI

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Appeal 2010-011964  
Application 10/774,629  
Technology Center 2400

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Before DALE M. SHAW, *Division 2 Support Administrator*.

ORDER DISMISSING APPEAL

On June 11, 2008, Appellant(s) filed a Notice of Appeal. A new ground of rejection, which covered all the claims on appeal, was provided in the Examiner's Answer mailed on May 28, 2010. Per 37 C.F.R. § 41.39(b), Appellant is required to do one of two items, either continue with the appeal or reopen the prosecution. Upon review of the electronic file, a response to the Examiners Answer was not filed by the Appellant. *See* 37 C.F.R. § 41.39(b).

Accordingly, the appeal in this application is dismissed.

The application is being returned to the Examiner for further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

gvw

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